1 2 3 4 5 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 6 7 In Re: NO: CV-12-443-RMP 8 LLS AMERICA, LLC, Bankr. Case No. 09-06194-PCW11 9 Debtor, Adv. Proc. No. 11-80188 10 BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 11 Trustee for LLS America, LLC, **DEFAULT JUDGMENT** 12 Plaintiff, 13 V. 14 WARREN MCKEAN, 15 Defendant. 16 17 THIS MATTER came on consideration upon the Motion of Plaintiff for 18 Entry of Default and Judgment against Defendant Warren McKean, and it 19 appearing from the file and records of this Court in this cause that the default 20 judgment (Bkcy. Dkt. No. 14) entered by the Bankruptcy Court should be deemed

DEFAULT JUDGMENT ~ 1

proposed findings of fact and conclusions of law, and that entering final default judgment in conformity with the default judgment entered by the Bankruptcy Court is appropriate,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendant, Warren McKean, as follows:

- 1. Monetary Judgment in the amount of CAD \$122,500.00, USD, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;
- 2. Transfers in the amount of \$122,500.00 USD made to the Defendant within four years prior to the Petition Filing Date are hereby avoided and Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;
- 3. All said transfers to Defendant are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and 551;
- 4. Defendant has not filed a proof of claim in Debtor's bankruptcy proceeding;
- 5. A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and

6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00 USD, for a total judgment of \$122,750.00 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

The District Court Clerk is directed to enter this Order, enter judgment as outlined above, and provide copies to counsel and to Judge Patricia Williams.

DATED this 31st day of October 2012.

s/Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge